

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA GROWERS'
ASSOCIATION, INC., NATIONAL
CHRISTMAS TREE ASSOCIATION,
FLORIDA FRUIT AND
VEGETABLE ASSOCIATION, INC.,
VIRGINIA AGRICULTURAL GROWERS
ASSOCIATION, INC., SNAKE
RIVER FARMERS ASSOCIATION,
NATIONAL COUNCIL OF
AGRICULTURAL EMPLOYERS,
NORTH CAROLINA CHRISTMAS
TREE ASSOCIATION, NORTH
CAROLINA PICKLE PRODUCERS
ASSOCIATION, FLORIDA CITRUS
MUTUAL, NORTH CAROLINA
AGRIBUSINESS COUNCIL, MAINE
FOREST PRODUCTS COUNCIL,
ALTA CITRUS, LLC, EVERGLADES
HARVESTING AND HAULING, INC.,
DESOTO FRUIT AND HARVESTING,
INC., FOREST RESOURCES
ASSOCIATION, TITAN PEACH
FARMS, INC., H-2A USA, INC.,
and OVERLOOK HARVESTING
COMPANY, LLC,

Plaintiffs,

v.

HILDA L. SOLIS, in her
official capacity as United
States Secretary of Labor,
UNITED STATES DEPARTMENT OF
LABOR, JANET NAPOLITANO, in
her official capacity as
United States Secretary of
Homeland Security, and
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

1:09CV411

ORDER

For the reasons stated in the Memorandum Opinion filed simultaneously with this Order, it is hereby

ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. 2) is **GRANTED**.

It is **FURTHER ORDERED** that Defendants Department of Labor ("DOL"), Hilda L. Solis, in her official capacity as the Secretary of the DOL, the Department Homeland Security ("DHS"), and Janet Napolitano, in her official capacity as the Secretary of DHS, are temporarily enjoined from implementing and enforcing the Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972, 25,972 (May 29, 2009). This temporary injunction shall remain in effect until the completion of a trial on the merits of this case, the creation of a new H-2A Rule in accordance with the Administrative Procedures Act, 5 U.S.C. § 551 et seq., or further order of this court.

This the 29th day of June 2009.


United States District Judge